

1-20-16

January 20, 2016

Mark S. Gamell
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BY ECF AND E-MAIL

Honorable Andrew L. Carter, Jr.
United States District Judge
United States District Court
500 Pearl Street, Room 725
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

Re: Civil Action No.: 12-cv-08365 (ALC)
Bankruptcy Case No. 01-42217 (REG)
In re: Ames Department Stores, Inc., et al., Debtors
Ames Department Stores, Inc. v.
Lumbermens Mutual Casualty Company, in Liquidation

Dear Judge Carter:

We respectfully reply briefly to opposing counsel's letter objection to the one-week additional time extension requested by the Director of Insurance of Illinois, as statutory and court affirmed Liquidator of Lumbermens Mutual Insurance Company, in Liquidation) ("Lumbermens").

The rule to which opposing counsel refers, Bankruptcy Rule 9033, limits the Bankruptcy Court's power to grant extensions of time to object to its own reports and recommendations. The writer is not aware of any limitation on this Court's power to grant time extensions, set briefing schedules or the like, nor does opposing counsel provide any authority for the proposition that Bankruptcy Rules can place a limit on the authority of this District Court.

As for Mr. Samet's personal vacation issue, we of course would agree to whatever extension was necessary to avoid inconvenience to him. However, we reject the assertion that these extensions would cause any prejudice to any legitimate interest of the Ames estate, and none is shown. Also, the Liquidator takes issue with the assertion that it has unduly delayed this matter.

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If there is any further information that we can provide to your Honor in connection with this matter please do not hesitate to contact us.

Respectfully submitted,

/s/ Mark S. Gamell

Mark S. Gamell

cc (via ECF and Email): Bijan Amini, Esq.
Avery Samet, Esq.

Application GRANTED
Objections, if any, due January 29, 2016.

S. ORDERED

Andrew L. Carter, Jr.
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